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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/847,811 | 05/01/2001 | Timothy W. Genske | LS/0005.01 | 6353 |
| 28653 | 7590 | 09/07/2004 | EXAMINER | |
| JOHN A. SMART 708 BLOSSOM HILL RD., #201 LOS GATOS, CA 95032 | | | LIN, KELVIN Y | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2142 | |

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,811

Applicant(s)

GENSKE ET AL.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/20/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 68-69, 71-72, 74-75, 77-78, 80-81, 83-84, and 86-87 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Regarding claims 68-69, 71-72, 74-75, 77-78, 80-81, 84, and 87, the words "(app)", and "(value)", lacks clear metes and bounds. Additionally, the syntax, such as <GetCap>, </GetCap> ,<GetActAppHandle>, </GetActAppHandle> etc., renders the claims indefinite because the claims include elements not actually disclosed, thereby rendering the scope of the claims unascertainable.
3. The above noted problems are not necessarily an exhaustive listing, but a meant to be exemplary of the types of errors present. It is incumbent upon an applicant to ensure that any amendment filed resolves all deficiencies and places the claims in compliance with 235 USC 112.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12, 16-20, 22-27, 29-87 are rejected under 35 USC 102(e) as being anticipated by Enright et al., (US Patent 6583813).
5. Regarding claim 1, Enright teaches a computer environment where devices are occasionally connected together, a method for automated transmission and execution of an executable file of interest originating from a digital camera, upon the digital camera's connection to a cellular phone, the method comprising:
 - connecting the digital camera to a cellular phone capable of hosting the camera (Enright, col. 13, l. 2-5);
 - identifying at least one particular cellular phone that is connected to the camera, including determining communication information allowing communication between the camera and the particular cellular phone, and determining command information allowing the camera to invoke execution of a file of interest at the particular cellular phone (Enright, col.

13, l.24-31);

- based on said determined communication information, transmitting the executable file of interest from said camera to the particular cellular phone (Enright, col. 21, l.45-52, and also in col.13, l.5, it indicates that the terminal is connected to cellular phone); and
- based on said determined command information, invoking execution of the executable file of interest after it has been transmitted to the particular cellular phone (Enright, col.29, l.15-23);

6. Regarding claim 2, Enright further discloses the method of claim 1, wherein said executable file of interest comprises a driver file (Enright, col. 29, l.20-23, "the programmable instruction executed in connection camera server ...to access camera" is a driver file to drive hardware).
7. Regarding claim 3, Enright further discloses the method of claim 2, wherein said Driver file, upon execution, controls operation of said camera (Enright, col. 29, l.22-23, " .. to access camera... and download image..").
8. Regarding claim 4, Enright further discloses the method of claim 1, wherein said Executable file comprises a binary file having instruction capable of executing at said cellular phone (Enright, col.36, l.27-30, l.41-61, and also in col.13, l.5, it indicates that the terminal is connected to cell phone).
9. Regarding claim 5, Enright further discloses the method of claim 1, wherein said executable file comprise an application program capable of executing at said cellular phone (Enright, col.13, l.5, col.36, l.41-61).

Art Unit: 2142

10. Regarding claim 6, Enright further discloses the method of claim 1, wherein said camera includes an add-in device capable of being hosted by said cellular phone (Enright, col.23, l.36-39).
11. Regarding claim 7, Enright further discloses the method of claim 6, wherein said Camera comprises a digital camera and wherein said method further comprises:
 - Upon execution of said executable file at said cellular phone, transferring image information from said digital camera to said cellular phone (Enright, col.24, l.46-67).
12. Regarding claim 8, Enright further discloses the method of claim 7, further comprises:
 - After transferring said image information from said digital camera to said cellular phone, wirelessly transmitting said image information to a third device (Enright, col. 24, l.46-67).
13. Regarding claim 9, Enright further discloses the method of claim 1, wherein said cellular phone includes a computing device capable of hosting other devices (Enright, col. 13, l. 1-5).
14. Regarding claim 10, Enright further discloses the method of claim 1, wherein said cellular phone includes wireless transmission capability for transferring information received from said camera to other devices (Enright, col.13, l.7-9).
15. Regarding claim 11, Enright further discloses the method of claim 1, wherein said camera and cellular phones are occasionally connected together. (Enright, col. 13, l.4-5).

16. Regarding claim 12, Enright further discloses the method of claim 1, wherein said camera and cellular phones are permanently connected together (Enright, col.13, l.4-5).
17. Regarding claim 16, Enright further discloses the method of claim 1, wherein Invocation of said identifying step occurs upon connecting said camera and cellular phones together (Enright, col.13, l.24-27)
18. Regarding claim 17, Enright further discloses the method of claim 1, wherein Said identifying step includes: probing the camera's environment for determining which devices, if any, the camera is attached to (Enright, col. 40, l.18-26).
19. Regarding claim 18, Enright further discloses the method of claim 17, wherein Said probing step includes: determining a default communication medium for probing for new devices (Enright, col. 11, l.4-15).
20. Regarding claim 19, Enright further discloses the method of claim 18, wherein Said default communication medium is specified initially by factory-preset Information (Enright, col.22, l.37-39).
21. Regarding claim 20, Enright further discloses the method of claim 18, wherein Said default communication medium is a selected one of a wireless and a wired communication medium (Enright, col.16, l. 15-16).
22. Claim 22 have similar limitation as claims 19. Therefore, claim 22 is rejected under Kirani's for the same reason set forth in the rejection of claim 19.
23. Regarding claim 23, Enright further discloses the method of claim 19, wherein

Said factory-preset information includes a default communication rate and default handshake protocol for at least one potential cellular phone (Enright, col. 12, l.55-57, col.15, l.18-20).

24. Regarding claim 24, Enright further discloses the method of claim 17, wherein Said probing step includes: executing an initial sequence of handshake commands and comparing any response received to a list of known response for identifying a particular cellular phone (Enright, col.19, l. 53-56, col. 21, l.50-53).
25. Regarding claim 25, Enright further discloses the method of claim 17, wherein Said probing step continues until all know potential cellular phone have been enumerated. (Enright, col. 19, 59-61, col.39, l.39-40).
26. Regarding claim 26, Enright further discloses the method of claim 1, wherein Said identifying step includes: updating a registry at said camera for indicating any connected cellular phone that has been identified (Enright, col. 24, l.17-21).
27. Regarding claim 27, Enright further discloses the method of claim 1, further comprising: upon identifying at least one particular cellular phone, ensuring that a state of TCP/IP communication is reached between said camera and the particular identified cellular phone (Enright, col.12, l. 55-60).
28. Claim 29 have similar limitation as claims 27. Therefore, claim 29 is rejected under Kirani's for the same reason set forth in the rejection of claim 27.
29. Claim 30 have similar limitation as claims 7. Therefore, claim 30 is rejected under Kirani's for the same reason set forth in the rejection of claim 7.
30. Regarding claim 31, Enright further discloses the method of claim 30, wherein

Said streaming step includes: employing XML protocol for packing said executable file of interest for delivery to the cellular phone. (Enright, col. 12, l.57-60).

31. Claim 32 have similar limitation as claims 8. Therefore, claim 32 is rejected under Kirani's for the same reason set forth in the rejection of claim 8.
32. Regarding claim 33, Enright further discloses the method of claim 31, wherein Said file handle comprises a file handle that may be understood by said cellular phone for accessing a particular file of interest at said cellular phone (Enright, col. 26, l.10-14).
33. Regarding claim 34, Enright further discloses the method of claim 1, wherein Said executable file in interest comprises a byte-code program, and wherein said cellular phone includes capability for executing byte-code program (Enright, col. 20, l. 66-67, col.21, l.1-4).
34. Regarding claim 35, Enright further discloses the method of claim 1, wherein Said executable file if interest comprises a Java program, and wherein said cellular phone includes a Java Virtual Machine for executing Java Programs (Enright, col. 26, l. 25-29).
35. Regarding claim 36, Enright further discloses the method of claim 1, wherein Said step of invoking execution of the executable file of interest includes:
Issuing a command from said camera to said cellular phone to begin execution at said cellular phone of said executable file of interest (Enright, col. 48, l.50-53).
36. Regarding claim 37, Enright further discloses the method of claim 1, wherein

Said step of invoking execution of the executable file of interest includes:

Triggering execution of said executable file indirectly at said cellular phone by instructing said cellular phone to restart itself (Enright, col. 47, l.40-44).

37. Regarding claim 38, Enright further discloses the method of claim 1, further comprising:

Placing said camera in a listening mode, after said camera has invoked execution of said executable file at said cellular phone (Enright, col.50, l.21-26).

38. Claim 39 have similar limitation as claims 38. Therefore, claim 39 is rejected under Enright's for the same reason set forth in the rejection of claim 38.

39. Claim 40 have similar limitation as claims 38. Therefore, claim 40 is rejected under Enright's for the same reason set forth in the rejection of claim 38.

40. Claims 41-50 have similar limitation as claims 1-2, 4, 6, 8, 31, 34-35. Therefore claim 41-50 are rejected under Enright's for the same reason set forth in the rejection of claims 1-2, 4, 6, 8, 31, 34-35.

41. Claims 51-67 have similar limitation as claims 1-2, 4, 6, 8, 31-32, 34-35, 38-39. Therefore claim 51-67 are rejected under Enright's for the same reason set forth in the rejection of claims 1-2, 4, 6, 8, 31-32, 34-35, 38-39.

42. Regarding Claims 68-87 that inherit the syntax from XML, which Enright further discloses the XML language in (Enright, col.12, l.59).

Art Unit: 2142

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

43. Claims 13-15, 21, and 28 are rejected under 35 USC 103(a) as being unpatentable over Enright in view of Kirani et al., (PG PUB 2002/0032027).
44. Regarding claim 13, Enright differs from the claimed invention in that it does not explicitly indicate "a serial communication link", instead "...connected to wireless interface..." (Enright, col.13, l.4-5).

Kirani teaches a device similar to that of Enright's and indicates that "serial cable link device" (Kirani, [0106]). With the similar communication device, Enright's device connection link would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Enright's device connection with Kirani's serial communication link.
45. Regarding claim 14, Enright differs from the claimed invention in that it does not explicitly indicate "... a serial communication link", instead "... connected to wireless interface ..." (Enright, col. 13, l.4-5). Kirani teaches a device similar to that of Enright's and indicates that "RS-232 serial port" (Kirani, [0106]).

With the similar communication device, Enright's device connection link would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine Enright's device connection with Kirani's RS-232 serial communication link.

46. Regarding claim 15, Enright differs from the claimed invention in that it does not explicitly indicate "... USB link", instead "... connected to wireless interface ..."
(Enright, col. 13, l.4-5). Kirani teaches a device similar to that of Enright's and indicates that "USB link" (Kirani, [0098]).

With the similar communication device, Enright's device connection link would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Enright's device connection with Kirani's USB link.

47. Claim 21 have similar limitation as claims 14 and 15. Therefore, claim 21 is rejected under Kirani's for the same reason set forth in the rejection of claims 14-15.

48. Regarding claim 28, Enright differs from the claimed invention in that it does not explicitly indicate "... PPP communication session", instead "... connected to interface ..." (Enright, col. 13, l.4-5). Kirani teaches a device similar to that of Enright's and indicates that "invoke PPP to get internet connectivity" (Kirani, [0183]).

With the similar communication device, Enright's device connection link would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Enright's device connection with Kirani's PPP connectivity.

Conclusion

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Schiller et al., (Patent No. 6442573) Method and Apparatus for Distributing Picture Mail to a Frame Device Community.
- Lo et al., (Patent No. 5911044) Network Image Scanning System which Transmits Image Information from a Scanner over a Network to a Client Computer.
- Nagasaka et al., (Patent No. 6725300) Control Device for Controlling the Transmission and Receipt of Data and a Method of Determining the Transmitter and the Receiver of the Data.
- ACM – Rekimoto et al., Cybercode : Designing augmented reality environments with visual tags, April, 2000, Proceeding of DARE 2000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 703-605-1726. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyl
8/26/04


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER